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MAY 14 2004

Applicant : Nyqvist et al.
Serial No. : 09/077,718
Filed : June 8, 1998
For : TARTRATE SALTS OF (R)-3-N,N-DICYCLO-BUTYLAMINO-8-FLUORO-3,4-DIHYDRO-2H-1-BENZOPYRAN-5-CARBOXAMIDE
Examiner : T. Solola
Group Art Unit : 1626

OFFICIAL

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. 1.8	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below at the facsimile number <u>703-872-9306</u> .	
<u>John M. Genova</u> Agent Name <i>John M. Genova</i> Signature	<u>32,224</u> PTO Reg. No. <u>14 May 2004</u> Date of Signature

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION: Examiner T. Solola
DATE: 14 May 2004
NUMBER OF PAGES: 3
FAX NUMBER: 703-872-9306

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES
(37 C.F.R. §1.191)**

Sir:

Applicants hereby appeal to the Board from the decision of the Primary Examiner, mailed 19 November 2003, finally rejecting claims 3-5, 21, 23, 24, 34-36 and 42-44. Claims 12-18, 20, 22, 25-33, 37-41 and 45-54 are withdrawn from consideration. The item(s) below are appropriate:

1. STATUS OF APPLICANTS

This application is on behalf of other than a small entity.

2. FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. §1.17(b), the fee for filing the Notice of Appcal is \$330.00.

3. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

(a) Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)(1-4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>
<input type="checkbox"/> one month	\$110.00
<input type="checkbox"/> two months	\$420.00
<input checked="" type="checkbox"/> three months	\$950.00
<input type="checkbox"/> four months	\$1,480.00

Fee \$ 950.00

If an additional cxtension of time is required, please consider this a petition therefor.

An extension for _____ months has already been secured by the Amendment after Final, filed _____. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$950.00

or

(b) Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicants have inadvertently overlooked the need for a petition and fee for extension of time.

4. TOTAL FEE DUE

The total fee due is:

Notice of Appcal fee \$ 330.00

Extension fee (if any) \$ 950.00

TOTAL FEE DUE \$ 1280.00

5. FEE PAYMENT

- Attached is a check in the sum of \$ ____.
- Charge Account No. 23-1703 the sum of \$ 1280.00.

6. FEE DEFICIENCY

- If any additional extension and/or fee is required, charge Account No. 23-1703.
AND/OR
 If any additional fee for claims is required, charge Account No. 23-1703.

Dated: May 14, 2004

Respectfully submitted,


John M. Genova
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Attorney for Applicants

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